

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

-against-

MICHAEL ACKERMAN, Q3 HOLDINGS,
LLC, and Q3 I, LP,

Defendants.

ECF Case No.: 1:20-cv-01183-NRB

**AFFIDAVIT IN SUPPORT OF
REQUEST FOR CERTIFICATE OF
DEFAULT AGAINST DEFENDANT
MICHAEL ACKERMAN**

1. I am counsel for Plaintiff, Commodity Futures Trading Commission (“Plaintiff” or “CFTC”) in this action and have personal knowledge of the facts stated herein. I submit this affidavit in support of the CFTC’s request for a Clerk’s Certificate of Default against Defendant Michael Ackerman (“Ackerman”).

2. This action was commenced on February 11, 2020, pursuant to the Commodity Exchange Act and CFTC Regulations (“Complaint,” ECF No. 1).

3. Defendant Ackerman was properly served under Fed. R. C. P. 4 and proof of service has been filed with the court (ECF No. 21).

4. The time for defendant Ackerman to answer or otherwise move with respect to the Complaint herein has expired.

5. Defendant Ackerman has not answered or otherwise moved with respect to the Complaint, and the time for defendant Ackerman to answer or otherwise move has not been extended.

6. Defendant Ackerman is not an infant or incompetent. Defendant Ackerman is not presently in the military service of the United States as appears from facts in this litigation.

WHEREFORE, Plaintiff CFTC requests that the default of defendant Ackerman be noted and a certificate of default issued.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief, that the relief claimed is justly due to Plaintiff, and that no part thereof has been satisfied.

Dated: July 22, 2020

By: /s/ Jason Gizzarelli
Jason Gizzarelli
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